

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
AIKEN DIVISION**

Margaret Daniels Law,)	
)	
)	Civil Action. No.: 1:12-cv-01502-JMC
Plaintiff,)	
)	
v.)	ORDER
)	
Carolyn W. Colvin, Acting Commissioner)	
of the Social Security Administration,)	
)	
Defendant.)	
)	

This matter is before the court upon motion of the Plaintiff, through her counsel, Flo Lester Vinson (“Counsel”), for an award of attorney’s fees under the Social Security Act, 42 U.S.C. § 406(b). [ECF No. 35]. On October 1, 2014, Counsel for the Plaintiff filed a motion for attorney’s fees and costs [ECF No. 35] pursuant to the Social Security Act, 42 U.S.C. § 406(b). The motion seeks reimbursement for Counsel’s representation in the captioned matter in the amount of \$30,500.98 for attorney fees, which amounts to less than twenty-five percent (25%) of the past-due benefits withheld by the Social Security Administration for attorney’s fees. Defendant’s response to the Plaintiff’s Motion for Attorney Fees under 42 U.S.C. § 406(b) [ECF No. 36] notifies the court that she does not oppose the Plaintiff’s request for fees in the amount stated herein.

The court has reviewed Counsel’s fee petition, the signed fee agreement that was submitted with the petition and the record in this case, and finds Counsel’s request for fees reasonable.

Therefore, the Plaintiff is entitled to an award of attorney’s fees under 42 U.S.C. § 406(b) in the amount of \$30,500.98 from the claimant’s 25% of the total of the past-due benefits. Fees under 42 U.S.C. § 406(b) are paid from the claimant’s benefits, rather than from agency funds, based on

a contract between the claimant and the claimant's attorney.

In accordance with *Gisbrecht v. Barnhart*, 535 U.S. 789, 796 (2002), the Plaintiff was also awarded attorney fees under the Equal Access to Justice Act (ECF No. 33), thus, the Plaintiff's attorney must refund the lesser of the two fees to the Plaintiff.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "J. Michelle Childs". The signature is written in a cursive, flowing style.

United States District Judge

December 4, 2014
Columbia, South Carolina